

CR 07 857

RPD:ALB
F.#2007R01395

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HURLEY, J.
WALL, M.J.

★ NOV 29 2007 ★

LONG ISLAND OFFICE

UNITED STATES OF AMERICA

- against -

JOSEPH DAVID BURKETT,

Defendant.

I N D I C T M E N T

Cr. No. _____
(T. 18, U.S.C., §§
2251(a), 2253, 2422(b),
3559(e)(1) and 3551 et
seq.)

THE GRAND JURY CHARGES:

COUNTS ONE THROUGH FOUR
(Sexual Exploitation of a Child)

1. In or about February 2007, within the Eastern District of New York and elsewhere, the defendant JOSEPH DAVID BURKETT, an individual with a prior sex conviction in which a minor was a victim, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: John Doe Number One, an individual whose identity is known to the Grand Jury, to engage in the sexually explicit conduct described below, for the purpose of producing visual depictions of such conduct, which visual depictions were produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, to wit: a digital camera and memory card:

<u>COUNT</u>	<u>FILENAME</u>	<u>DESCRIPTION</u>
ONE	SC00135.JPG	The lascivious exhibition of the genitals and pubic area of John Doe Number One.

<u>COUNT</u>	<u>FILENAME</u>	<u>DESCRIPTION</u>
TWO	SC00136.JPG	The lascivious exhibition of the genitals and pubic area of John Doe Number One.
THREE	SC00137.JPG	The lascivious exhibition of the genitals and pubic area of John Doe Number One.
FOUR	SC00138.JPG	Oral-genital sexual intercourse involving the defendant JOSEPH DAVID BURKETT and John Doe Number One.

(Title 18, United States Code, Sections 2251(a), 3559(e)(1) and 3551 et seq.)

COUNT FIVE
(Sexual Exploitation of a Child)

2. On or about April 29, 2007, within the Eastern District of New York, the Northern District of New York and elsewhere, the defendant JOSEPH DAVID BURKETT, an individual with a prior sex conviction in which a minor was a victim, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: John Doe Number One, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct, to wit: the lascivious exhibition of the genitals and pubic area of said minor, for the purpose of producing a visual depiction of such conduct, to wit: an untitled image stored in a digital file recovered from a memory card possessed by the defendant on or about June 13, 2007, which

visual depiction was produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, to wit: a digital camera and memory card.

(Title 18, United States Code, Sections 2251(a), 3559(e) (1) and 3551 et seq.)

COUNTS SIX AND SEVEN
(Sexual Exploitation of a Child)

3. In or about May 2007, within the Eastern District of New York and elsewhere, the defendant JOSEPH DAVID BURKETT, an individual with a prior sex conviction in which a minor was a victim, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: John Doe Number Two, an individual whose identity is known to the Grand Jury, to engage in the sexually explicit conduct described below, for the purpose of producing visual depictions of such conduct, which visual depictions were produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, to wit: a digital camera and memory card:

<u>COUNT</u>	<u>FILENAME</u>	<u>DESCRIPTION</u>
SIX	SC00193.JPG	The lascivious exhibition of the genitals and pubic area of John Doe Number Two.
SEVEN	SC00194.JPG	The lascivious exhibition of the genitals and pubic area of John Doe Number Two.

(Title 18, United States Code, Sections 2251(a), 3559(e) (1) and 3551 et seq.)

COUNT EIGHT
(Coercion and Enticement)

4. In or about and between November 2006 and May 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOSEPH DAVID BURKETT, using facilities and means of interstate and foreign commerce, to wit: the Internet, did knowingly and intentionally persuade, induce, entice and coerce an individual who had not attained the age of 18 years, to wit: John Doe Number One, an individual whose identity is known to the Grand Jury, to engage in sexual activity for which a person could be charged with a criminal offense, to wit: criminal sexual act in the second degree, in violation of Section 130.45-1 of the New York Penal Law.

(Title 18, United States Code, Sections 2422(b) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

5. The United States hereby gives notice to the defendant charged in Counts One through Seven that, upon his conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253, of (a) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18, United States Code, and any book, magazine, periodical, film, videotape, and other matter produced, transported, mailed, shipped and received in violation of any offense of conviction; (b) any

property, real and personal, constituting or traceable to gross profits and other proceeds obtained from any such offense; and
(c) any property, real and personal, used or intended to be used to commit or to promote the commission of any such offense of conviction or property traceable to such property, including, but not limited to the following:

Specific Property

(a) One SONY Cybershot digital camera, Serial Number 651177; and

(b) One SONY Memory Stick Pro Duo.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

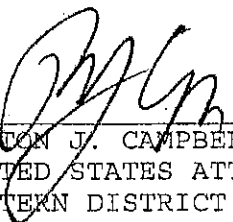
it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o), to seek forfeiture of any

other property of such defendant up to the value of the
forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 2253)

A TRUE BILL

✓ FOREPERSON



BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK



FORM DBD-34

JUN. 85

No. 2007R01395

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

JOSEPH DAVID BURKETT,

Defendant.

INDICTMENT

T. 18, U.S.C., §§2251 (a), 2253, 2422 (b),
3559 (e) (1) and 3551 et seq.

A true bill.

John C. Allen

Foreman

Filed in open court this _____ day,

of _____ A.D. 19 ____

Clerk

Bail, \$ _____

ALLEN BODE, AUSA, (631) 715-7828